



Reprinted  
February 3, 2004

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## SENATE BILL No. 368

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DIGEST OF SB 368 (Updated February 2, 2004 4:22 pm - DI 104)

**Citations Affected:** IC 16-18; IC 16-42.

**Synopsis:** Prohibition on the sale of ephedra. Prohibits selling, offering to sell, or giving away ephedra in Indiana. Makes the unlawful sale of ephedra a Class A misdemeanor. Makes certain exceptions.

**Effective:** July 1, 2004.

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### Alting

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January 12, 2004, read first time and referred to Committee on Health and Provider Services.

January 22, 2004, reported favorably — Do Pass.

February 2, 2004, read second time, amended, ordered engrossed.

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SB 368—LS 6272/DI 104+



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February 3, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 368

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-116.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2004]: **Sec. 116.5. "Ephedra", for purposes**  
4 **of IC 16-42-25, has the meaning set forth in IC 16-42-25-1.**

5 SECTION 2. IC 16-42-25 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2004]:

### **Chapter 25. Drugs: Prohibition of the Sale of Ephedra**

8 **Sec. 1. As used in this chapter, "ephedra" means an herb or**  
9 **herbal product that contains any form of ephedrine or ephedrine**  
10 **alkaloids, including:**

- 11 (1) **ma huang;**
- 12 (2) **Chinese ephedra;**
- 13 (3) **Ephedra sinica;**
- 14 (4) **ephedra herb powder; and**
- 15 (5) **epitoinin;**

16 **or any extract of a substance described in subdivisions (1) through**  
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1 (5).

2 Sec. 2. This chapter does not apply to a drug that contains  
3 ephedra and that is:

4 (1) prescribed or dispensed by a physician licensed under  
5 IC 25-22.5 for a purpose other than weight loss, body  
6 building, or athletic performance enhancement; or

7 (2) approved by the federal Food and Drug Administration as  
8 safe and effective for the drug's intended use.

9 Sec. 3. A person may not:

10 (1) sell;

11 (2) offer to sell; or

12 (3) give away;

13 ephedra to an individual or a retailer in Indiana.

14 Sec. 4. A person who knowingly or intentionally:

15 (1) sells;

16 (2) offers to sell; or

17 (3) gives away;

18 ephedra to an individual or a retailer in Indiana commits the  
19 unlawful sale of ephedra, a Class A misdemeanor.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 368, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 368 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## SENATE MOTION

Madam President: I move that Senate Bill 368 be amended to read as follows:

Page 2, line 9, delete "not sell or distribute" and insert "**not:**

**(1) sell;**

**(2) offer to sell; or**

**(3) give away;"**.

Page 2, line 9, beginning with "ephedra" begin a new line blocked left.

Page 2, line 9, after "ephedra" insert "**to an individual or a retailer**".

Page 2, line 10, delete "intentionally sells or" and insert "**intentionally:**

**(1) sells;**

**(2) offers to sell; or**

**(3) gives away;"**.

Page 2, line 11, delete "distributes".

Page 2, line 11, beginning with "ephedra" begin a new line blocked left.

Page 2, line 11, after "ephedra" insert "**to an individual or a retailer in Indiana**".

Page 10, line 11, delete "or distribution".

(Reference is to SB 368 as printed January 23, 2004.)

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